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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,474	08/17/2005	Lars Josefsson	4147-112	5339

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EXAMINER

GREGORY, BERNARR E

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/530,474

Applicant(s)

JOSEFSSON ET AL.

Examiner

Bernarr E. Gregory

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 3 of independent claim 1, it is unclear in context what is meant by "dynamically controlling an impedance load."

On lines 5-10 of claim 1, the "whereby ..." phrase is indefinite and unclear in context in that it fails to claim definite method steps clearly and definitely.

On line 3 of independent claim 8, it is unclear in context what is meant by a "control unit which dynamic controls an impedance load."

On lines 5-10 of claim 8, the "whereby ..." phrase is indefinite and unclear in context in that it fails to claim clearly and definitely structure to achieve the functions stated in the "whereby ..." phrase.

Independent claim 8 is unclear in that it is presented in the preamble as a "dynamic antenna arrangement," but there is no clear and definite recitation of an "antenna" in the claim. Further, claim 8 is unclear in that there is only a clear and definite recitation of a single structural element in the body of the claim (i.e., the "control unit"). Please see MPEP 2164.08(a).

Dependent claims 2-7 and 9-13 are unclear in that they depend from unclear independent claims 1 and 8.

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3. The Specification is objected to under 37 CFR 1.71 as failing to provide a disclosure that would enable one of ordinary skill-in-the-art to make and to use the invention.

As discussed above in section 2, independent claim 8 is an apparatus claim that recites only one structural element in the body of the claim. Please see MPEP 2164.08(a). Please note that an apparatus claim consisting of a single element has the same issue of enablement as a purely single-means claim. In claim 8, the single element is the "control unit." Here the "control unit" could cover any possible structure that could accomplish the "control" set forth in claim 8. Of course, it is impossible that the Specification could disclose all possible structures corresponding to such a claim. Thus, there is inadequate disclosure for independent claim 8 and for its dependent claims, claims 9-13.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 8-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Please see the remarks in the objection to the Specification in section 3 above.

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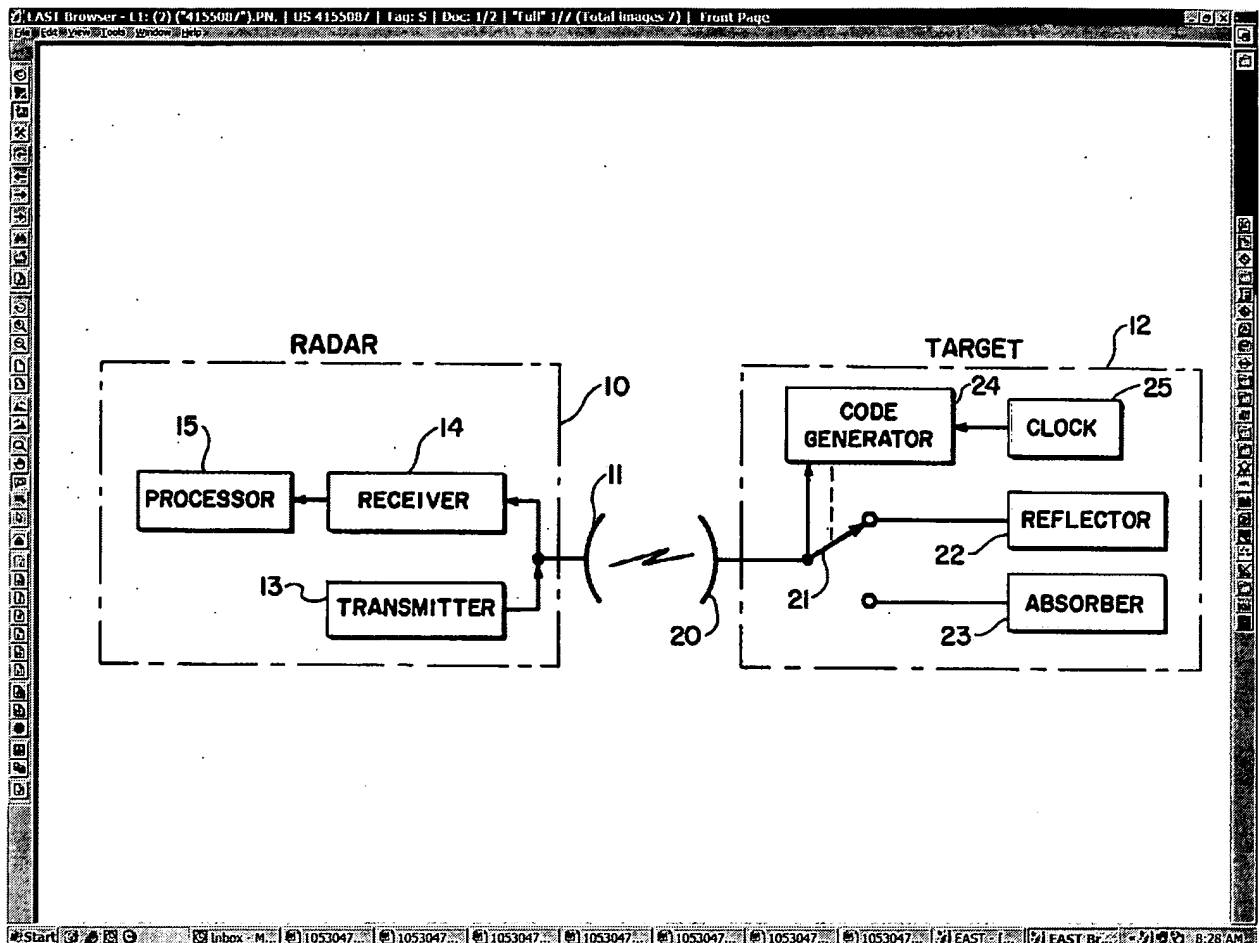
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Okrent ('087).

Okrent ('087) discloses a system where radar signals are reflected from a transponder antenna, wherein the reflected pulses are modulated by the transponder. Column 2, lines 3-22 of Okrent ('087) make clear that the radar of Okrent ('087) is a pulsed radar. Under the control of a "CODE GENERATOR," a switch is thrown between a "reflective impedance" (item 22 in Figure 1) and an "absorber impedance" (item 23 in Figure 1). Please see, for example, column 1, line 65 through column 2, line 2 of Okrent ('087). With respect to independent claim 1, each time that the Okrent ('087) transponder switches the "absorber impedance" into an electrical connection with the antenna (item 20 of Figure 1), the limitations of claim 1 are met because such switching is "dynamically controlling an impedance load of the antenna arrangement to thereby reduce scattering of a signal from an external source irradiating the antenna." The "external source" is, of course, the radar numbered as item 10 of Figure 1 of Okrent ('087). Independent claim 8 is similarly met by Okrent ('087) in that claim 8 is merely the apparatus claim corresponding to method claim 1.



8. Claims 2-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

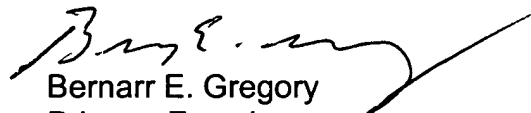
The examiner-cited prior art that is not applied above is of general interest for showing the state of the related prior art.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (571) 272-6972. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (571) 272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bernarr E. Gregory
Primary Examiner
Art Unit 3662